

**TITLE 19. PUBLIC SAFETY  
DIVISION 1. STATE FIRE MARSHAL  
CHAPTER 5. AUTOMATIC EXTINGUISHING SYSTEM  
INITIAL STATEMENT OF REASONS**

Pursuant to Health and Safety Code §13195 the State Fire Marshal shall adopt and administer regulations and standards for the protection and preservation of life and property to control the servicing, testing and maintaining all automatic fire suppression systems.

**SPECIFIC PURPOSE AND RATIONALE**

The specific purpose of these proposed regulations is to:

1. Establish an A license (Type L) and establish \$135 fee with local inspection or \$335 fee with state inspection, for the primary location of the Type L license and \$100 fee for additional locations.
2. Establish a \$200 re-inspection fee.

These fees are necessary to cover the cost of administering the State Fire Marshal's Automatic Extinguishing System Program which includes inspections, re-inspections and investigations.

**NECESSITY**

The State Fire Marshal is proposing to add and/or amend Sections of Chapter 5, Title 19 CCR, to add a limited license (Type L) for the annual testing and maintenance of wet sprinkler systems, standpipe systems and private fire service mains. This license will allow public and private entities who have the required training and tools, to perform the annual testing and maintenance. Prior to the April 2007 adoption of NFPA 25, many of these tests and maintenance items were not required on an annual basis, and those that were required were allowed to be performed by in-house personnel without benefit of a license.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT**

The State Fire Marshal utilized input from the State Fire Marshal's Automatic Extinguishing Systems Advisory Committee to analyze the proposed license and fees.

**REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The State Fire Marshal's staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the

proposed regulations. These regulations will allow public and private organizations that have trained personnel on staff to conduct certain annual testing and maintenance of wet sprinkler systems, standpipe systems and private fire service mains providing a cost saving.

### **ALTERNATIVES – SMALL BUSINESSES**

The proposed regulations have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The additional testing and maintenance requirements generated by the adoption of NFPA 25, 2002 Edition into Title 19 CCR were added in April 2007.

### **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

### **COORDINATION WITH FEDERAL LAW**

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

### **SPECIFIC SECTIONS WHICH HAVE BEEN MODIFIED:**

**Section 901 item 3.3.20(2)** is being proposed to be amended to add a California State Fire Marshal License A (Type L) Concern.

#### **Necessity:**

This amendment is necessary in order to add the Type L license to the list of qualified California State Fire Marshal License A Concern types.

**Section 905(a)** is being proposed to be amended to add an exception regarding Type L Concerns.

#### **Necessity:**

The exception is necessary in order to allow the annual testing or maintenance of wet pipe sprinkler systems, standpipe systems or private fire service mains to be performed by a California State Fire Marshal License A (Type L) Concern, in structures or property owned or leased by that public or private entity.

**Section 905(b)(4)** is being proposed to be added to define the License A (Type L) Concern.

#### **Necessity:**

This addition is necessary in order to define the California State Fire Marshal License A (Type L) Concern.

**Section 905** (c)(1) is being proposed to be amended to delete the words “the business of”.

**Necessity:**

This deletion is necessary in order to allow public or private entities to apply for a Concern License.

**Section 905**(c)(2) is being proposed to be amended to delete the words “the corporation’s”.

**Necessity:**

This deletion is necessary in order to allow an authorized agent to sign the application.

**Section 905**(c)(3)(C) is being proposed to be amended to add the word "manuals" .

**Necessity:**

This addition is necessary in order to ensure those individuals servicing systems have the appropriate manuals.

**Section 905**(c)(3)(D) is being proposed to be added to require local fire authority endorsement prior to the issuance of Type L licenses.

**Necessity:**

This addition is necessary in order to ensure local fire jurisdictions are aware of and approve of the Type L licenses to be issued within their jurisdictions.

**Section 905.2**(a) is being proposed to be amended to add a Type L license to the fee schedule.

**Necessity:**

This addition is necessary in order to add a fee of \$135.00 for the State Fire Marshal to issue a Type L license, and a \$100.00 fee for additional locations. The (Type L) License fee was derived by utilizing the current Management Services Technicians' salary of \$45 per hour and an average processing time of 1 hour per application which equals \$45.00. Utilizing the current Deputy State Fire Marshal III Specialists' salary of \$87 per hour and an average processing time of one hour per application, to equal \$87.00. \$45.00 plus \$87.00 equals a total cost of \$132.00, which is rounded up to \$135.00.

The fee for (Type L) License additional location was determined by utilizing the Management Services Technicians' salary of \$45 per hour and an average processing time of .75 hours per application, which equals \$33.75. Utilizing the current Deputy State Fire Marshal III Specialists' salary of \$87 per hour and an

average processing time of .75 hour per application, which equals \$65.25. \$33.75 plus \$65.25 equals a total cost of \$99.00 which is rounded up to \$100. When a Deputy State Fire Marshal must make an inspection, in lieu of a local fire department inspection, an additional \$200 inspection fee is included in the cost of the Type L license. The \$200 inspection fee was derived by utilizing the current Deputy State Fire Marshal III salary of \$87 per hour, times an average inspection and travel time to the inspection site of 2.25 hours, which equals \$195.75 rounded up to \$200.00. Therefore, the total cost for the primary location of a Type L License is \$135.00 plus \$200.00 or \$335.00.

**Section 905.2** (b) is being proposed to be added to charge a fee for re-inspections.

**Necessity:**

The proposed \$200.00 re-inspection fee is necessary to cover the cost of conducting re-inspections when companies do not pass the initial inspections. The re-inspection fee was derived by utilizing the current Deputy State Fire Marshal III salary of \$87 per hour, times an average inspection and travel time to the inspection site of 2.25 hours, which equals \$195.75 rounded up to \$200.00. The proposed fees are necessary to cover the cost of administering the program and conducting inspections and investigations.

**Section 906.3** is being proposed to be amended to include two new licensing forms for an Automatic Extinguishing System Type L License identified as AES 11 and AES 12. These forms contain the requirements to qualify for the license.

**Necessity:** Section 906.3 is being amended to provide forms for standardization statewide. This will avoid confusion and be more user-friendly for the owner, and the fire authorities having jurisdiction. These forms are for reference only and not for reprint, as the forms are incorporated by reference.